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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,595	08/18/2000	Michael Zimmer	JFH-A12898US	6641

24314 7590 07/31/2002  
JANSSON, SHUPE & MUNGER, LTD  
245 MAIN STREET  
RACINE, WI 53403

EXAMINER

PARKER, FREDERICK JOHN

ART UNIT	PAPER NUMBER
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1762

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DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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Below is a communication from the EXAMINER in charge of this application  
COMMISSIONER OF PATENTS AND TRADEMARKS

### ADVISORY ACTION

**THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.**  
Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

#### PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 707.07(f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.  
3. ☒ The proposed amendment(s) will not be entered because:  
(a) ☒ they raise new issues that would require further consideration and/or search. (see NOTE below);  
(b) ☒ they raise the issue of new matter. (see NOTE below);  
(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.


NOTE:

Please see attached

4. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_  
5. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
6. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_  
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation):  
Claim(s) allowed: None  
Claim(s) objected: \_\_\_\_\_

***Response to Proposed After-Final Amendment***

1. Applicants' proposed after final amendments have been considered.
2. The proposed phrase "whereby the ....unsupported layer" appears to be new matter since a perusal of the specification failed to find that concept, and the Remarks failed to site page/ line citations. The previous claims also never required the toner to be printed directly onto the substrate. Such concepts, while possibly overcoming the prior art of the Final Office Action, would require further search and/ or consideration. Further, previous claims never required the thermoplastic material to be *extruded* which is a proposed amendment of claim 26. This causes confusion with claim 38 which depends on claim 26 because it is unclear if the article is extruded or molded, or extruded and then put into a molding machine, etc. Proposed amendments regarding printing on a molded thermoplastic material of claims 39 and 43 would require further search and/ or consideration because those claims and their dependant claims have previously never required printing on a molded thermoplastic material. The proposed amendments therefore change the scope of the claims, appear to introduce New Matter, and raise new issues by introducing concepts/ amendments which would require further search and/ or consideration. Therefore, the proposed amendments will NOT be entered.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred J. Parker whose telephone number is (703) 308-3474.

  
Fred J. Parker  
July 29, 2002  
faf9-641595

**FRED J. PARKER  
PRIMARY EXAMINER**